**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928**

**MFA.No. 1003 of 2002**
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**OA.30/2001 of RAILWAY CLAIMS TRIBUNAL, ERNAKULAM DATED 28/3/2002**
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**APPELLANT: APPLICANTS**
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**1. P.RAJAKUMAR, AGED 25 YEARS, S/O. PAULDURAI ALIAS VADHYAR, DOOR NO.68/4, SAVALAIKARANKULAM, KOVILAMMALPURAM POST, VIA MAVADI, NANGUNERI TALUK, TIRUNELVELI DIST, TAMIL NADU, PIN CODE - 627 107.**

**2. DANIAL MANICKAN, AGED 23 YEARS, S/O.PAULDURAI ALIAS VADHYAR, -DO- -DO-**

**3. CHRISTY, AGED 49 YEARS, W/O. PAULDURAI ALIAS VADHYAR, -DO- -DO-**

**4. FLORENCE METILDA, AGED 27 YEARS, D/O.PAULDURAI ALIAS VADHYAR, -DO- -DO-**

**5. SWARNA PACKIYAVATHI, AGED 20 YEARS, D/O.PAULDURAI ALIAS VADHYAR, -DO- -DO-**

**BY ADV. SRI.PEEYUS A.KOTTAM**

**RESPONDENTS: RESPONDENT**
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**UNION OF INDIA, OWNING SOUTHERN RAILWAY, THROUGH IT'S GENERAL MANAGER, SOUTHERN RAILWAY, CHENNAI - 600 003.**

**BY ADV. SRI.M.C.CHERIAN,SR.SC.,RAILWAYS**

**THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.**

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**M.F.A. NO. 1003 OF 2002**

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**Dated this the 18th day of January, 2007.**

**J U D G M E N T**

**Krishnan,J.**

This is an appeal preferred against the finding of the Railway Claims Tribunal, Ernakulam in O.A.30/01. One Pauldurai aged 59 years died in a railway accident that took place on 22/6/01 at Kadalundi. It is averred that the deceased was having a monthly income of Rs.80,000/-. The Tribunal considered the entire issue and awarded a compensation of Rs.4,00,000/- which is the maximum compensation that is available under the Railway Accidents (Compensation) Rules. Therefore, it cannot be said that the Tribunal has erred in fixing the compensation because this amount is the maximum compensation amount. Therefore, there is no merit in this appeal and it is dismissed.

**K.S. RADHAKRISHNAN, JUDGE.**

**M.N. KRISHNAN, JUDGE.**

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**K.S. RADHAKRISHNAN &**
**M.N. KRISHNAN, JJ.**
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**M.F.A. NO. 1003 OF 2002**
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**J U D G M E N T**

**18th January, 2007.**